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8 Attorneys for Defendants

9 THE PEP BOYS MANNY MOE & JACK OF CALIFORNIA,
a California corporation and THE PEP BOYS – MANNY, MOE
10 & JACK, a Pennsylvania corporation

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12 **UNITED STATES DISTRICT COURT**
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO/OAKLAND DIVISION**

15 STEVE TOKOSHIMA, LUIS FLORES, and
JAMES FABER, on Behalf of Themselves and All
16 Others Similarly Situated,

17 Plaintiffs,

18 vs.

19 THE PEP BOYS - MANNY MOE & JACK OF
CALIFORNIA, a California corporation; THE PEP
20 BOYS - MANNY MOE & JACK, a Pennsylvania
corporation; and DOES 1-10,

21 Defendants.
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CASE NO.: CV 12-4810 CRB

**STIPULATION AND ORDER TO
MODIFY THE BRIEFING SCHEDULE
FOR AND HEARING DATE ON
PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION**

Judge: Hon. Charles R. Breyer

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1 WHEREAS, consistent with the parties' prior stipulation and order by this Court, Plaintiffs
2 filed their Motion for Class Certification on November 6, 2013;

3 WHEREAS, pursuant to the parties' stipulation and order by this Court, Defendants'
4 deadline to file their Opposition to Plaintiffs' Motion for Class Certification is December 13, 2013,
5 Plaintiffs' deadline to file their Reply in support of their Motion for Class Certification is January
6 10, 2013, and the hearing on Plaintiffs' Motion for Class Certification is set for January 24, 2013;

7 WHEREAS, Plaintiffs' Motion for Class Certification included a ten-page supporting
8 declaration submitted by their proposed expert, Gerald Rosenbluth;

9 WHEREAS, Defendants have notified Plaintiffs of their intent to depose Mr. Rosenbluth in
10 order to adequately prepare their Opposition to Plaintiffs' Motion for Class Certification;

11 WHEREAS, Plaintiffs have informed Defendants that Mr. Rosenbluth is not available for
12 deposition until February 27, 2014 because of two scheduled trials and multiple previously
13 scheduled depositions;

14 WHEREAS, Plaintiffs have informed Defendants that they do not oppose a modification of
15 the current briefing and hearing schedule to allow Defendants to depose Mr. Rosenbluth on
16 February 27, 2014 prior to filing of Defendants' Opposition to Plaintiffs' Motion for Class
17 Certification;

18 WHEREAS, Defendants are agreeable to this modification that will allow them to depose
19 Mr. Rosenbluth and avoid the need for a motion to compel an earlier deposition date and/or a
20 motion to strike Mr. Rosenbluth's declaration;

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28 / STIPULATION AND [PROPOSED] ORDER TO MODIFY THE BRIEFING SCHEDULE FOR AND HEARING
DATE ON PLAINTIFFS' MOTION FOR CLASS CERTIFICATION, Case No. CV 12-4810 CRB

1 THEREFORE, IT IS HEREBY STIPULATED BY THE PARTIES AS FOLLOWS:

- 2 1. Mr. Rosenbluth's deposition will take place on February 27, 2014 in Tempe,
3 Arizona;
- 4 2. The deadline for Defendants to file their Opposition to Plaintiffs' Motion for Class
5 Certification is continued to March 7, 2014;
- 6 3. The deadline for Plaintiffs to file their Reply in support of their Motion for Class
7 Certification is continued to April 4, 2014;
- 8 4. The hearing on Plaintiffs' Motion for Class Certification is continued to April 18,
9 2014, at 10:00 a.m.

10 DATED: November 22, 2013

11 /s/ Rachel J. Zwillinger
Rachel J. Zwillinger

12 ALTSHULER BERZON LLP
13 Attorneys for Plaintiffs

14 STEVE TOKOSHIMA, LUIS FLORES, and JAMES
FABER

15 DATED: November 22, 2013

16 /s/ Kathy H. Gao
Kathy H. Gao

17 MORGAN, LEWIS & BOCKIUS LLP
Attorneys for Defendants

18 THE PEP BOYS MANNY MOE & JACK OF
19 CALIFORNIA and THE PEP BOYS – MANNY,
MOE & JACK

20 PURSUANT TO STIPULATION, AND FOR GOOD CAUSE SHOWN, IT IS SO
21 ORDERED.

22 Dated: November 25, 2013

23 HON. CHARLES R. BREYER
United States District Court

